

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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<b>Applicant:</b>	Jiang	<b>Art Unit:</b>	3766
<b>Serial No.:</b>	10/629,291	<b>Examiner:</b>	Gedeon, Brian T
<b>Filed:</b>	07/28/2003		
<b>Docket No.:</b>	A329-USA		
<b>For:</b>	Material and Methods of Forming Yttria-Stabilized Zirconia to Minimize Low-Temperature Degradation		

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AMENDMENT

Dear Sir:

In response to the Office Action of 09/13/2007, please amend the above-identified application as follows:

INTRODUCTORY COMMENTS

Claims 1-28 are pending in the application and all are rejected by the Examiner.

The drawings are accepted by the Examiner.

Claims 1-3 and 6-9 are rejected under 35 USC 102(b) as being anticipated by Tsukuma (IS Patent 4,587,225).

Claims 4, 5, and 10-18 are rejected under 35 USC 103(a) as being unpatentable over Tsukuma (US Pat 4,587,225) in view of Jiang.

Claims 19-28 are rejected under 35 USC 103(a) as being unpatentable over Tsukuma (4,587,225) in view of Whitehurst (US Pat 6,735,475).

CLAIMS

Claim 1 is amended to include all of the limitations of claim 4, which is withdrawn. This change is done in recognition that Tsukuma does not teach the

use of the ceramic material as a housing for an implantable medical device, thereby putting claim 1 in a condition for allowance over Tsukuma.

### **DISCUSSION**

Claims 1-3 and 6-9 are rejected under 35 USC 102(b) as being anticipated by Tsukuma (IS Patent 4,587,225).

Independent claim 1 is amended to incorporate all of the limitations of claim 4, which is withdrawn. This change is made in recognition that Tsukuma does not teach the use of the ceramic material as a housing for an implantable medical device.

Following this amendment, claim 1 is allowable as are dependent claims 2, 3, and 6-9 as further limitations on an allowable independent claim 1.

Claims 4, 5, and 10-18 are rejected under 35 USC 103(a) as being unpatentable over Tsukuma (US Pat 4,587,225) in view of Jiang (Graduate Research Symposium, Los Angeles, CA March 23, 2002, pages 70-71).

Jiang is unavailable as prior art having been published on 03/23/2003 by Jiang, at least one of the Applicants for the instant application, less than one year before the filing of the Provisional patent application serial number 60/453,682, which was filed on 03/10/2003, upon which the instant application claims the benefit.

This rejection must fail in view of the consideration of Tsukuma and Jiang together, since Jiang is unavailable to render Applicants' invention obvious.

Further, the independent claims 1 and 10 and the dependent claim 5 as well as claims 11-18 are each allowable as a further limitation on an allowable independent claim 1 or 10, respectively. [Claim 4 has been withdrawn.]

Claims 19-28 are rejected under 35 USC 103(a) as being unpatentable over Tsukuma (4,587,225) in view of Whitehurst (US Pat 6,735,475).

Whitehurst is unavailable as prior art having published on its date of issue, 05/11/2004, which is after the date of filing of the instant application on 07/28/2003.

This rejection must fail in view of the consideration of Tsukuma and Whitehurst together, since Whitehurst is unavailable to render Applicants' invention obvious.

Further independent claims 19 and 23 are each allowable as are claims 20-22 and claims 24-28, which are each allowable as a further limitation on an allowable independent claim 19 or 23, respectively.

In view of the foregoing, it is respectfully submitted that the pending claims 1-3 and 5-28 are allowable as amended and in the present application.

Reexamination and allowance are respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California area telephone number (661) 702-6814 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

9/25/07

Date

  
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